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10/684,820	10/15/2003	Charles S. Fox JR.	CRNI.108009	9869

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EXAMINER	
RANGREJ, SHEETAL	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/684,820	Applicant(s) FOX ET AL.	
	Examiner Sheetal R. Rangrej	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-47* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a)☐ All b)☐ Some * c)☐ None of:
  1.☐ Certified copies of the priority documents have been received.
  2.☐ Certified copies of the priority documents have been received in Application No. _____.
  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date *6/25/2004 and 12/21/2006*.
4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Prosecution History Summary

1. Claims 1-47 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22", "64" and "82" have all been used to designate "processing unit"; because reference characters "26" and "86" have both been used to designate "user interface"; because reference characters "84" and "70" have both been used to designate "network interface"; because they include the following reference character(s) not mentioned in the description: 248 and 258 (figure 10A). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: reference character referred to as '238' and should be '338' (figure 11).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 11, 24-29, 34-36, 38, and 40-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Gombrich et al. (U.S. Patent No. 4,857,716).

6. As per claim 1, Gombrich teaches a system for managing patient care, the system comprising:

-a central information system containing patient records and task-related information **(Gombrich: col. 8, 15-20)**;

-a patient identification device including a patient identifier linking a patient to a patient record in the central information system **(Gombrich: figure 3)**; and

-a portable information device for collecting data from the patient identification device and communicating with the central information system to access the patient record **(Gombrich: figure 6; figure 11-12)**.

7. As per claim 2, Gombrich further teaches wherein the portable information device includes an embedded bar code reader **(Gombrich: figure 6)** and the patient identification device comprises a machine readable identifier **(Gombrich: figure 3)**.

8. As per claim 3, Gombrich further teaches wherein the central information system additionally includes caregiver data **(Gombrich: col. 15, 9-12)**.

9. As per claim 4, Gombrich further teaches further comprising a caregiver identification device including a caregiver identifier associated with the caregiver data in the central information system, wherein the portable information device communicates with the central information system to verify the caregiver identifier **(Gombrich: col. 15, 9-12)**.

10. As per claim 5, Gombrich further teaches further comprising a medication identification device including a machine readable identifier identifying a particular medication, wherein the central information system further comprises medication data **(Gombrich: figure 2)**.

11. As per claim 11, Gombrich further teaches wherein the portable information device includes wireless communication tools for communicating wirelessly with the central information system **(Gombrich: col. 4, 56-64)**.

12. As per claim 24, Gombrich teaches a method for providing patient Care using a system including a patient identifier, a portable information device, and a central information system, the method comprising:

-retrieving the patient identifier with the portable information device **(Gombrich: col. 3, 65-68)**;

-transmitting the patient identifier from the portable information device to the central information system **(Gombrich: col. 3, 65-68)**; and

-receiving current patient related information from the central information system at the portable information device **(Gombrich: col. 4, 1-18)**.

13. As per claim 25, Gombrich further teaches further comprising using the portable information device to obtain a caregiver identifier, transmitting the caregiver identifier from the portable information device to the central information system, and receiving verification of the

caregiver identity from the central information system at the portable information device **(Gombrich: col. 15, 9-12)**.

14. As per claim 26, Gombrich further teaches wherein retrieving the patient identifier comprises scanning a machine readable identifier with an embedded scanner in the portable information device **(Gombrich: col. 8, 31-45)**.

15. As per claim 27, Gombrich further teaches wherein obtaining the caregiver identifier comprises scanning a machine readable identifier using an embedded scanner in the portable information device **(Gombrich: col. 15, 9-12)**.

16. As per claim 28, Gombrich further teaches further comprising obtaining a medication identifier from an identification device including a machine readable identifier identifying a particular medication **(Gombrich: figure 2)**.

17. As per claim 29, Gombrich further teaches further comprising obtaining a medical device identifier and accessing medical device records from the central information system **(Gombrich: col. 14, 7-21)**.

18. As per claim 34, Gombrich further teaches further comprising wirelessly communicating between the personal information device and the central information system **(Gombrich: col. 4, 56-64)**.

19. As per claim 35, Gombrich further teaches a computer readable medium having computer executable instructions for performing the method of claim 24 **(Gombrich: figure 1)**.

20. As per claim 36, Gombrich teaches a method for managing patient care using a patient identification device including a patient identifier, a caregiver identification device including a caregiver identifier, a device identification device including a device identifier, a patient link

server, and a portable information device, the method comprising: -processing the patient identifier **(Gombrich: col. 3, 65-68)**, the caregiver identifier **(Gombrich: col. 15, 9-12)**, and the device identifier using the portable information device **(Gombrich: col. 8, 31-39)**. The examiner interprets the IV to be a medical device; -prompting the identified caregiver to perform at least one ordered task on the identified patient in accordance with instructions provided through the personal information device using the identified medical device **(Gombrich: col. 15, 9-48)**; -transferring information pertaining to a performed task from the portable information device to the patient link server **(Gombrich: col. 15, 58 to col. 16, 2)**; and -caching the transferred information on the patient link server **(Gombrich: col. 16, 62-66)**.

21. As per claim 38, Gombrich further teaches further comprising a device link server for storing a record of information coming from the device **(Gombrich: col. 14, 7-21)**.

22. As per claim 40, Gombrich further teaches further comprising using an embedded scanner in the personal information device to perform patient identification **(Gombrich: figure 3)**.

23. As per claim 41, Gombrich further teaches further comprising obtaining patient data from a central information system **(Gombrich: col. 3, 65-68)**.

24. As per claim 42, Gombrich further teaches further comprising obtaining caregiver data from the central information system **(Gombrich: col. 15, 9-12)**.

25. As per claim 43, Gombrich further teaches further comprising wirelessly transferring information pertaining to a performed task from the personal information device to the device link server **(Gombrich: col. 12, 48-51; col. 3, 26-30)**.

26. As per claim 44, Gombrich further teaches a computer readable medium having computer executable instructions for performing the method of claim 36 **(Gombrich: figure 1)**.

27. As per claim 46, Gombrich teaches a method for managing patient care using a patient identification device including a patient identifier, a caregiver identification device including a caregiver identifier, a device identification device including a device identifier, a portable information device, and at least one of a device link server and a patient link server, the method comprising: -processing the patient identifier **(Gombrich: col. 3, 65-68)**, the caregiver identifier **(Gombrich: col. 15, 9-12)**, and the device identifier using the portable information device **(Gombrich: col. 8, 31-39)**. The examiner interprets the IV to be a medical device; -prompting the identified caregiver to perform at least one ordered task on the identified patient in accordance with instructions provided through the personal information device using the identified medical device **(Gombrich: col. 15, 9-48)**; and -transferring information pertaining to a performed task from the portable information device to at least one of the device link server and the patient link server **(Gombrich: col. 15, 58 to col. 16, 2)**.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. Claims 6-10, 12-23, 30-33, 37, 39, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gombrich et al. (U.S. Patent No. 4,857,716) in view of Engleson et al. (U.S. Patent No. 5,781,442).

30. As per claim 6, Gombrich does not teach further comprising a medical device identification device including a machine readable identifier identifying a particular medical device, wherein the central information system further comprises medical device data.

Engleson teaches further comprising a medical device identification device including a machine readable identifier identifying a particular medical device, wherein the central information system further comprises medical device data **(Engleson: col. 9, 26-35)**.

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Gombrich and Engleson with the motivation that many prescription drugs and injections are identified merely by slips of paper on which the patient's name and identification number have been handwritten by a nurse or tech who is to administer the treatment. It is a further motivation that a system is developed to identify patients with the correct medications. **(Engleson: col. 1, 61 to col. 2, 8)** It can also be further motivated to track clinical devices because it provides accuracy and quality towards delivering a therapeutic treatment **(Engleson: col. 10, 46-49)**.

31. As per claim 7, Gombrich does not teach further comprising a patient link server device for communicating with the portable information device and for locally caching patient data.

Engleson teaches further comprising a patient link server device for communicating with the portable information device and for locally caching patient data **(Engleson: col. 5, 11-13; col. 7, 26-29)**.

The motivation to combine the teachings is the same as claim 6.

32. As per claim 8, Gombrich does not teach wherein the patient link server comprises a web server accessible by a web browser to obtain patient information.

Engleson teaches wherein the patient link server comprises a web server accessible by a web browser to obtain patient information **(Engleson: col. 4, 64 to col. 5, 33)**.

The motivation to combine the teachings is the same as claim 6.

33. As per claim 9, Gombrich does not teach wherein the patient link server includes one of wireless and wired communication tools for communicating with the central information system and the portable information device.

Engleson teaches wherein the patient link server includes one of wireless and wired communication tools for communicating with the central information system and the portable information device **(Engleson: col. 4, 64 to col. 5, 33)**.

The motivation to combine the teachings is the same as claim 6.

34. As per claim 10, Gombrich does not teach further comprising a device link server for locally controlling a device.

Engleson teaches teach further comprising a device link server for locally controlling a device **(Engleson: col. 8, 14-26)**.

The motivation to combine the teachings is the same as claim 6.

35. As per claim 12, Gombrich teaches a system for managing patient care, the system comprising: -a patient identification device providing indicia identifying a patient **(Gombrich: figure 3)**; -a caregiver identification device providing indicia identifying a caregiver **(Gombrich: col. 15, 9-12)**; -a device identification component containing indicia identifying a medical device **(Gombrich: col. 14, 7-21)**; and -a portable information device for providing the identified caregiver with information from the device link server and for transmitting information to the device link server **(Gombrich: figure 1, i.e. barcode wand)**.

Gombrich does not teach a system for managing patient care, the system comprising a device link server for caching information regarding actions performed with the identified medical device, wherein the actions are associated with an identified caregiver and an identified patient.

Engleson teaches a system for managing patient care, the system comprising a device link server for caching information regarding actions performed with the identified medical device, wherein the actions are associated with an identified caregiver and an identified patient **(Engleson: col. 8, 14-26; col. 2, 66 to col. 3, 5)**.

The motivation to combine the teachings is the same as claim 6.

36. As per claim 13, Gombrich does not teach wherein the device link server comprises a web server accessible to a web browser for obtaining device information.

Engleson teaches wherein the device link server comprises a web server accessible to a web browser for obtaining device information **(Engleson: col. 8, 14-34)**.

The motivation to combine the teachings is the same as claim 6.

37. As per claim 14, Gombrich does not teach further comprising a patient link server associated with a patient for caching patient data.

Engleson teaches further comprising a patient link server associated with a patient for caching patient data **(Engleson: col. 5, 11-13; col. 7, 26-29)**.

The motivation to combine the teachings is the same as claim 6.

38. For claim 15, please see citations, remarks, and motivations of claim 8.

39. For claim 16, please see citations, remarks, and motivations of claim 2.

40. As per claim 17, Gombrich teaches further comprising a central information system for storing patient data **(Gombrich: figure 1)**.

41. For claims 18-20, please see citations, remarks, and motivations of claims 3-5, respectively.

42. As per claim 21, Gombrich does not teach wherein the central information system further comprises medical device data.

Engleson teaches wherein the central information system further comprises medical device data **(Engleson: col. 12, 45-63)**. The examiner interprets that the IV could be one of the orders prepared, which is a medical device.

The motivation to combine the teachings is the same as claim 6.

43. As per claim 22, Gombrich does not teach wherein the patient link server includes one of wireless and wired communication tools for communicating with the central information system.

Engleson teaches wherein the patient link server includes one of wireless and wired communication tools for communicating with the central information system **(Engleson: col. 4, 64 to col. 5, 33)**.

The motivation to combine the teachings is the same as claim 6.

44. As per claim 23, Gombrich does not teach wherein the portable information device includes wireless communication tools for communicating wirelessly with the device link server.

Engleson teaches wherein the portable information device includes wireless communication tools for communicating wirelessly with the device link server **(Engleson: col. 10, 54)**.

The motivation to combine the teachings is the same as claim 6.

45. As per claim 30, Gombrich does not teach further comprising recording tasks on a patient link server device by locally caching patient data.

Engleson teaches further comprising recording tasks on a patient link server device by locally caching patient data **(Engleson: col. 2, 66 to col. 3, 5)**.

The motivation to combine the teachings is the same as claim 6.

46. As per claim 31, Gombrich does not teach further comprising accessing information on the patient link server through the use of a web browser.

Engleson teaches further comprising accessing information on the patient link server through the use of a web browser **(Engleson: col. 5, 3-13)**.

The motivation to combine the teachings is the same as claim 6.

47. As per claim 32, Gombrich teaches further comprising using wireless communication tools for communication between the patient link server and the portable information device **(Gombrich: col. 12, 47-51)**.

48. As per claim 33, Gombrich does not teach further comprising locally controlling a device using a device link server **(Engleson: col. 8, 14-26)**.

Engleson teaches further comprising locally controlling a device using a device link server **(Engleson: col. 8, 14-26)**.

The motivation to combine the teachings is the same as claim 6.

49. As per claim 37, Gombrich does not teach further comprising accessing data from the patient link server using a web browser.

Engleson teaches further comprising accessing data from the patient link server using a web browser **(Engleson: col. 5, 3-13)**.

The motivation to combine the teachings is the same as claim 6.

50. As per claim 39, Gombrich does not teach further comprising accessing the device link server by implementing a web browser **(Engleson: col. 9, 26-31)**.

Engleson teaches further comprising accessing the device link server by implementing a web browser **(Engleson: col. 9, 26-31)**.

The motivation to combine the teachings is the same as claim 6.

51. As per claim 45, Gombrich teaches a system for managing patient care, the system comprising:

-a patient identification device providing indicia identifying a patient **(Gombrich: figure 3)**; -a caregiver identification device providing indicia identifying a caregiver **(Gombrich: col. 15, 9-12)**; and -a portable information device for providing the identified caregiver with information from the patient link server and for transmitting information to the patient link server **(Gombrich: figure 1, i.e. barcode wand)**.

Engleson teaches a system for managing patient care, the system comprising -a patient link server for caching information regarding actions performed with respect to the identified patient, wherein the actions are associated with an identified caregiver **(Engleson: col. 4, 28-40)**.

The motivation to combine the teachings is the same as claim 6.

52. As per claim 47, Gombrich does not teach further comprising querying at least one of the device link server and the patient link server to obtain current information.

Engleson teaches further comprising querying at least one of the device link server and the patient link server to obtain current information **(Engleson: col. 5, 66 to col. 6, 6)**.

The motivation to combine the teachings is the same as claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR SRR
8/1/07

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